

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TABATHA FRERKS, et al.,

CASE NO. C19-978RSM

Plaintiffs,

## MINUTE ORDER

V.

TODD P. WOLF, et al.,

## Defendants.

The following MINUTE ORDER is made by direction of the Court, the Honorable  
J. S. Martinez, Chief United States District Judge:

On August 29, 2019, Plaintiffs<sup>1</sup> filed an “Ex Parte Motion in Support of Request for Injunction, Writ, Partial Summary Judgments and All Other Relief.” Dkt. #18. Relying on their Complaint and attached exhibits, Plaintiffs’ Motion variously references default judgment, summary judgment, injunctive relief, and indicates that “all above relief shall maintain all

<sup>1</sup> Plaintiffs' filing purports to be electronically signed by both Plaintiffs. Dkt. #18 at 6. However, only Plaintiff Tabatha Frerks has registered to electronically file in this action. Dkt. #9. Plaintiff Charles Frerks has not registered to participate electronically and therefore may not electronically sign documents filed herein. *See* U.S. District Court, Western District of Washington Electronic Filing Procedures for Civil and Criminal Cases, Section III.L (p. 9–10) (“If a pro se party files a paper document, or submits a document for filing via e-mail, the document must contain a physical signature.”). To the extent Plaintiffs’ Motion purports to be filed on behalf of both Plaintiffs, it is improper.

1 Plaintiffs additional causes of action.” *Id.* Plaintiffs have noted their Motion for consideration  
2 on the same day it was filed, August 29, 2019. *Id.*

3 Putting aside any substantive deficiencies, Plaintiffs’ Motion suffers from several  
4 procedural deficiencies that render it improper. Plaintiffs do not include a proposed order,  
5 compounding the Court’s trouble determining the intent of the Motion. *See* LCR 7(b)(1) (moving  
6 party “shall file the motion and proposed order with the clerk”). To the extent Plaintiffs’ Motion  
7 seeks default judgment, it is premature, as default has not been entered as to any defendant. *See*  
8 LCR 55(b)(1) (“[n]o motion for judgment by default should be filed against any party unless the  
9 court has previously” entered default); *see also* Dkt. #19 (defendants noting other procedural  
10 deficiencies if Plaintiffs’ Motion is considered a motion for default or for default judgment). To  
11 the extent Plaintiffs’ Motion seeks preliminary injunctive relief or summary judgment, it was  
12 improperly noted for consideration on the same day it was filed. *See* LCR 7(d)(3) (“motions for  
13 summary judgment [and] motions seeking a preliminary injunction . . . shall be noted for  
14 consideration on a date no earlier than the fourth Friday after filing and service of the motion”).

15 Accordingly, the Court STRIKES Plaintiffs’ Ex Parte Motion in Support of Request for  
16 Injunction, Writ, Partial Summary Judgments and All Other Relief (Dkt. #18) as procedurally  
17 improper. The Clerk shall mail a copy of this minute order to Plaintiff Charles Frerks at his last  
18 known address.

19 Dated this 3 day of September, 2019.

20 WILLIAM McCOOL, Clerk  
21

22 By: /s/ Paula McNabb  
23 Deputy Clerk  
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